

Applicant: James Wickstead
Application No.: 09/824,828

REMARKS

The present application contains claims 1-16. Claim 15 has been amended to cure a minor informality which has neither reduced or expanded the scope of this claim.

Claims 1-6, 9, 11-14 and 16 have been rejected under 35 U.S.C. §103(a) as unpatentable over Mooney ('582) in view of Jeon et al. ('791). This rejection is respectfully traversed.

The Examiner states that, regarding claim 1, '582 discloses a wireless apparatus for communicating with a remote location through a wireless network comprising a first unit 104 and a second unit 104 (it appears that the Examiner intended to refer to the second unit as element 102 instead of 104), each unit having a low power transceiver for wireless communications over a low power radio link, the first unit having a second transceiver for wireless communication with the remote location, the second transceiver having a transmission range greater than the lower power transceiver; coupling electrical signals to the low power transceiver in said second unit for transmission to said first unit through said low power radio unit, the first and second units having a conventional cellular telephone front end.

The Examiner admits that Mooney does not explicitly disclose that the second unit is smaller than the first unit and is of a size so as to be worn or carried

on the body of the user, the second unit having a keypad for inserting calling data, a display in the second unit displaying calling data, the second unit having a microphone for converting speech into electrical signals and a speaker for converting electrical signals into speech and a controller for controlling operations of the displaced speaker and microphone. The Examiner relies upon '791 for supplying these missing features, stating that '791 discloses wireless apparatus being of a size so as to be worn or carried on the body of the user, the second unit having a keypad (elements 101 - 108) shown in Figure 1 of '791, for inserting calling data, display 102 in the second unit displaying calling data, the second unit having a microphone 105 for converting speech into electrical signals and a speaker 106 for converting electrical signals into speech and a controller (which the Examiner says is inherent) for controlling operations of the display speaker and microphone, the Examiner making reference to the text found between line 4, column 5 and line 10, column 6 of '791, the Examiner stating that it would have been obvious to a person with ordinary skill in the art (at the time of Applicant's invention?) to have the structure of the second unit be of a size so as to be worn or carried on the body of a user, the Examiner stating that this structure is advantageous in terms of miniaturization and further minimizes the likelihood of it being dropped.

It is submitted that the application and objective of '582 is clearly different from that of the present invention.

Making reference to Figure 1 of '582, when a call is made from telephone 320 coupled to a public switched telephone network (PSTN) to a cell phone 104, the call goes to the PSTN, a cellular network 310 and is then communicated to the Gateway Cell Phone (GCP) 104 via radio transmission. As one example given in '582, when it is highly impractical for the person at GCP 104 to answer the call, the call is automatically forwarded to a wireless terminal cell phone 102 over a radio channel connection.

'582 utilizes Bluetooth Technology for wireless communication between master 104 and slave 102, as shown in detail in Figure 2. '582 refers to the "network" between master 104 and slave 102 as a "PICONET" which '582 defines as a "small wireless network" and "operating" at 2.4GHz in accordance with Bluetooth Standards and typically have a range of 20-100 feet.

The '582 publication also teaches that the master or gateway cell phone 104 has all the capabilities of a regular cell phone such as a display, keypad, etc., whereas in the present invention all of these capabilities are built only into the miniature unit.

It can thus be seen that '582 teaches apparatus having objectives which are directly the opposite of the present invention, namely to have the "master" cellular device be the smaller of the two cellular devices and have all of the capabilities of keyboard, display, etc. and to transmit to the remote location through the "slave" cellular device. To the contrary, '582 teaches that the master 104 which has the keypad, display, etc. directly communicates with the remote location 310, as shown in Figs. 1 and 2 and the "slave" 102 communicates with the "master" 104.

It should further be noted that '791 must be placed next to the head of a user and hence the invention of '791 teaches away from the present invention since the invention of '791 must be able to communicate with remote locations and therefore have a higher power transmission signal which teaches away from the present invention in which the only unit having all of the data input and display capabilities has only a low powered transmission and reception capability.

Even assuming that '791 teaches a radio telephone of a reduced size, '791 lacks the same features and capabilities lacking in '582 and it is submitted that claim 1 patentably distinguishes thereover.

Claims 2-6, 9, 11-14 and 16 all depend from claim 1 and carry all of its limitations and hence are deemed to patentably distinguish over the combination of '582 taken with '791 for the same reasons set forth hereinabove regarding claim 1.

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Making specific reference to the Examiner's statements regarding the rejection of claims 2-6, 9, 11-14 and 16 as unpatentable over '582 in view of '791, Applicant states:

Regarding claim 2 even assuming that '582 discloses that the "first unit" comprises a controller (inherent) for transferring signals received by the low power transceiver in the first unit to the second transceiver for transmission to the remote location, again it should be noted that the unit having this capability in '582 communicates **directly** with the remote location whereas, in the present invention this unit communicates with the remote location only through the second unit.

Regarding claim 3, even assuming that '582 includes means for transferring signals from the second transceiver to the low power transceiver in the first unit, it is the "second unit" of '582, which directly communicates with the remote location that has all of the capabilities of the "first unit" of the present application.

Regarding claim 4, even assuming that '582 discloses that the low power transceivers operate at a specific carrier frequency to prevent receipt of a transmission from a transmitter other than the low power transceivers, the features mentioned hereinabove regarding claim 1 is still nevertheless lacking in both '582 and '791.

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Regarding claim 5, although '582 admittedly teaches a transmission range of the low power transceiver as being less than 100 feet, '582 lacks the features cited hereinabove with regard to Applicant's arguments distinguishing the features of claim 1 over '582.

With regard to claim 6, even though '582 admittedly teaches a transmission range of the low power transceiver as being less than 20 feet, the arguments set forth hereinabove with regard to claim 5 apply with equal measure with regard to claim 6.

With regard to claim 9, even assuming that '582 and '791 teach digital wireless transceivers, these references lack the features as set forth hereinabove in Applicant's arguments regarding the distinctions of claim 1 over the cited prior art.

Regarding claim 11, even assuming that '791 discloses that a microphone and speaker may be combined into one unit it is submitted that there is no teaching of the microphone and the speaker are combined in one unit in '582. '791 teaches separate speaker (104) and microphone (105). See column 6, lines 2-4.

Regarding claim 12, even assuming '791 teaches a stylus for operating the keypad, '791, lacks the features lacking in '582 as set forth hereinabove with regard to Applicant's arguments distinguishing claim 1 over the combination rejection of '582, taken with '791.

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Regarding claim 13, even assuming '791 to disclose that the second unit may be worn on the wrist of the user (using a wrist band) and with regard to claim 14 wherein the Examiner states that '791 teaches that the second unit is affixed to an article of clothing, even assuming that '791 teaches these capabilities, the '791 lacks the teachings lacking in '582, as set forth hereinabove.

Regarding claim 16, even assuming that '582 discloses that the first unit is maintained at a greater distance from the user's head than said second unit to reduce possible harm due to radiation emitted by the first unit, it is nevertheless submitted that '582 teaches that the first unit which directly communicates with the remote location requires the keypad, display, etc. which is clearly the opposite objective and capability of the present invention.

In view of the foregoing, it is submitted that claims 1-6, 9, 11-14 and 16 patentably distinguish over the combination of '582 taken with '791.

Claims 7, 8, 10 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over '582 taken with '791 and further in view of the Examiner's Official Notice. This rejection is respectfully traversed.

Regarding claim 7, the Examiner states that, whereas '791 teaches the "second unit" as powered by portable batteries, the prior art used in the rejection of the parent claim does not disclose that the first unit is powered by a portable

battery, the Examiner taking Official Notice that it is known to power a wireless apparatus with a portable battery and that it would have been obvious to a person with ordinary skill in the art at the time the invention was made to use portable batteries in a wireless apparatus.

Firstly, as was set forth hereinabove, Examiner's Official Notice and '791 are lacking in the teachings lacking in '582 as set forth hereinabove regarding claim 1. In addition, claim 7 recites that the portable batteries are "in" the first and second units. It is noted that '791 teaches a separate housing (i.e. unit), namely the battery unit 20 which is separate from the wireless housing (i.e. unit) 10.

Regarding claim 8, the Examiner admits that the prior art used in the rejection of the parent claim fails to teach the lower power transceivers as encoding their transmission as to prevent interception by other transceivers and relies upon official notice that it is known for Bluetooth communications to be encoded.

Even assuming this to be the case, the capability of the Official Notice taken by the Examiner is likewise lacking the features lacking in '582 and '791 as set forth hereinabove regarding claim 1.

Regarding claim 10, the Examiner takes Official Notice that it is known for a wireless portable repeater to lack a keypad and display and that it would have been obvious to a person of ordinary skill in the art at the time the invention was made

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for a wireless portable repeater to lack a keypad and display and that if a wireless apparatus is used for a repeater then a keypad and display would not be needed. It is submitted that the Examiner's Notice teaches away from the teachings of the combination of '582 and '791 and especially teaches away from '582 since '582 teaches that the unit 104 that directly communicates with the remote location has the keypad and display since it must be capable of making a determination as to where a call that comes in from a remote location must be forwarded. Note Figure 2 of '582 which shows the unit 104 in direct communication with the cellular network 310 as having the authorized terminal list and there must be a keypad and display in order to enable the user of unit 104 to set up an authorized terminal list.

Regarding claim 15, the Examiner, while stating that the prior art using the rejection of the parent claim does not disclose the second unit as being of a size to enable it to be placed in a pocket of an article of clothing of the user, the Examiner takes Official Notice that something worn on a wrist would be of a size to enable it to be placed within a pocket of an article of clothing of the user. Even assuming this to be the case, it is submitted that the Official Notice taken by the Examiner is nevertheless likewise lacking in the teachings lacking in '582 and '791.

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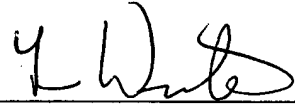
For the above reasons, it is submitted that claims 7, 8, 10 and 15 patentably distinguish over the combination of '582 taken with '791 and the Examiner's Official Notice(s).

In view of the foregoing, it is submitted that claims 1-16 patentably distinguish over the art of record and reconsideration and allowance of these claims are earnestly solicited.

Favorable action is awaited.

Respectfully submitted,

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